

Attorney's Docket: 2003DE140
Serial No.: 10/582,770
Group: 1755

REMARKS

The Office Action mailed September 7, 2007, has been carefully considered together with the reference cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

CLAIM STATUS

Claims 1-13 are pending in this Application. By this Amendment, Applicants have amended claims 1, 4, and 9-11. New claims 14-17 have been added.

Claim Rejections Under 35 USC § 112, Second Paragraph

Claims 1-13 stand rejected under 35 USC § 112, second paragraph, as being indefinite. This rejection is respectfully overcome.

The Office points out that in claim 1 the phrases "the coupler residue", "the base residue", "the compound of the formula (I)", and "the equivalent M^{m+}/m of a metal cation M^{m+} " lack proper antecedent basis. Independent claim 1 has been amended eliminating the phrases "coupler residue" and "base residue" and been with the following text:

... and that, in the case of two ionic groups, one ionic group is located in the coupler residue R^1 , R^2 or R^3 position and the other ionic group is located in the R^4 , R^5 or R^6 position in the base residue of the compound compounds of the formula (I) formulas (IV) and (V);

The Office states that claim 1 is confusing as it refers to a formula (I). This error has been rectified by the replacement of the phrase "formula (I)" with the phrase "formulas of (IV) and (V)".

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The Office states that it is unclear "what it is meant by limitation of "the equivalent M^{m+}/m of a metal cation M^{m+} ." Such phrase has been amended to read as stated above.

The Office finds that claims 4 and 9-11 suffer from a lack of proper antecedent basis for use of the phrase "the fractions". Such claims have been amended to replace the phrase "fractions" with the phrase "the weight percentages."

In view of the above amendments and remarks, it is respectfully contended that the 35 USC § 112, second paragraph, rejection has been overcome.


Double Patenting

Claims 1-13 stand provisionally rejected on the ground of non-statutory obviousness type double patenting as being unpatentable over claims 1-9 of copending Application No. 10/582,769 (US Patent Application No. 20070128532 A1). Attached hereto is a terminal disclaimer against Application No. 10/582,769.

The Commissioner is hereby authorized to charge deposit account 03-2060 \$130.00 for the Terminal Disclaimer. The Commissioner is also authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

In view of the forgoing amendments and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, he is requested to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,


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